

IN SENATE OF THE UNITED STATES.

APRIL 7, 1848.

Submitted, and ordered to be printed.

Mr. WESTCOTT made the following

REPORT:

The Committee of Claims, to whom was referred the petition of Sarah Hubbard, (widow,) praying indemnity for property taken and destroyed by the Saginaw tribe of the Chippewa Indians, after the surrender of Detroit, in 1812, report:

That by the fourth article of the treaty made at Detroit, January 14, 1837,—proclaimed by the President of the United States, July 2, 1838,—between the United States and the Saginaw tribe of Indians, it is among other stipulations, agreed that:

“The said Indians hereby set apart, out of the fund created by the sale of their lands, the following sums, namely;” and after specifying five objects for which different sums are so set apart, it states, “For compensating American citizens, upon whose property this tribe committed depredations, after the surrender of Detroit, in 1812, ten thousand dollars;” and after specifying other objects, and other sums, it states, “The whole of these sums shall be expended under the direction of the President, and the following principles shall govern the application;” and after stating the principles to regulate in the expenditure of the sums set apart for other objects, it provides, “The moneys set apart for the liquidation of their debts, and for depredations committed by them, shall be paid under such regulations for ascertaining the justice of the indebtedness or claim, as the President may direct; but no payment shall be made under either head, which is not supported by satisfactory proof, and sanctioned by the Indians. And if any balance of either sum remains, it shall be immediately divided, by the disbursing officer, among the Indians.” [See vol. 7, Statutes at Large, p. 528-9, &c.]

By the treaty of December 20, 1837,—proclaimed same day as that above referred to—several of the stipulations setting apart funds are abrogated; but the above are left in full force. [See *ibid* p. 547-8, &c.]

The sales of the lands referred to, are of the lands relinquished to the United States by that treaty, and to be sold under its provisions for them.

If the papers presented in this case were in authentic form, they

might perhaps make out a proper claim for compensation out of said fund, under said provisions of the treaty above quoted, *so far as relates to proof of the depredations*; but it does not appear that the claim has been, according to the terms of the treaty, "sanctioned by the Indians." None of the papers, however, appear to be *originals*, but all of them purport to be *copies*; and where the originals are, is not stated. The following is a schedule of the papers, of which *copies* are filed.

1. Sarah Hubbard's petition to Congress, dated November 27, 1819.

2. Account of the items of her losses, annexed to said petition, and sworn to by her, 21st of November, 1819, before W. W. Petit, esq., notary public, Wayne county, Michigan Territory. Amount of claim, \$313 88.

3. Deposition of Thomas Cowles, witness in support of claim, sworn to same day, before same officer.

4. Deposition of Lewis Beaufort, Indian interpreter; sworn to 27th of November, 1819, before same officer.

5. Certificate of Hon. W. Woodbridge, secretary of Michigan Territory; of W. W. Petit, being a notary public, dated 25th of January, 1825.

6. Inventory and appraisement of some of the property of petitioner plundered, signed by James A. Bennett, Hepsitah Hubbard; amount, \$113 88. This paper has no date.

7. Certificate of Hon. John Norvell, dated August 25, 1838.

Appended to these is the following original certificate:

"True copies of all the proceedings which have come to my knowledge of the original papers in the above."

"Detroit, November 10, 1838."

"HENRY L. WOOLSEY."

Who Mr. Woolsey is, and why it is that *he* certifies the papers to be *copies*—or where the *originals* are, the committee are not informed.

These papers are entitled to no consideration whatever. If petitioner has not been paid anything, howsoever just and fair her claim may be for relief from Congress, either upon general principles, or under the treaty quoted, still, Congress should not be asked to grant such relief, upon such *copies of documents* as are filed in this case.

The committee therefore ask to be discharged from the further consideration of the case.